

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Number : 09/954,526 Confirmation No.: 6141
Applicant : James F. PITZEN et al.
Filed : March 5, 2001
Title : A Combination Rechargeable, Detachable Battery System and Power Tool
TC/Art Unit : 1745
Examiner: : John S. MAPLES
Docket No. : 54525.000055
Customer No. : 21967

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER

Applicants submit herewith a Declaration of Prior Invention Under 37 C.F.R. § 1.131 ("Rule 131 Declaration"). The Rule 131 Declaration is being submitted to establish that German reference DE 9319361 ("DE '361"), cited previously, is not prior art to Applicants' invention. The Rule 131 Declaration establishes that the inventors made the claimed invention in the United States prior to February 10, 1994. More specifically, the Rule 131 Declaration demonstrates that the inventors (a) conceived and actually reduced to practice a first embodiment of the invention prior to February 10, 1994 and (b) conceived prior to February 10, 1994 a second embodiment of the invention and exercised diligence prior to February 10, 1994 until actual reduction to practice approximately two months later. Accordingly, the Rule 131 Declaration establishes that DE '361 is not prior art to Applicants' invention.

Applicants respectfully submit that the application is in condition for allowance and notice to that effect is earnestly solicited. If there are any questions regarding this Letter or the

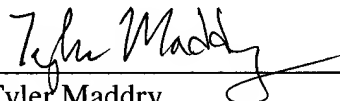
application in general, the Examiner is encouraged to contact the undersigned at the telephone number below to expedite prosecution.

It is believed that no fees are due with the filing of this paper. However, please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By:


Tyler Maddy
Registration No 40,074

Date: February 28, 2008

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 955-1964 (direct)
(202) 778-2201 (facsimile)



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INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, and in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, Applicants submit attached Form PTO-SB/08A for consideration and request the references cited therein be made of record by the U.S. Patent and Trademark Office (USPTO) in the above-captioned application.

Applicants respectfully point out that the submission of the listed references in this Information Disclosure Statement is not an admission that they are prior art or that they are material to patentability of any claims of the application. Also, the submission of this Information Disclosure Statement is not an indication that a search has been made by Applicants.

Consideration of the foregoing plus the prompt return of a copy of the enclosed Form SB/08A with the Examiner's initials in the left column in accordance with MPEP 609 are respectfully requested.


In accordance with 37 C.F.R. § 1.97(b)(4), this Information Disclosure Statement is being submitted before the mailing date of a first Office Action after the filing of a request for continued examination. Accordingly, it is believed that no fee is due with the filing of this Information Disclosure Statement. However, in the event that a fee is due, please charge such fee to Deposit Account No. 50-0206. Please credit any overpayment to Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

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(202) 778-2201 (facsimile)
TMM/smc